

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

In re: )  
 )  
 ALEXANDER SHKOLNIKOV, ) Case No. 09-34905  
 ) (Chapter 7)  
 Debtor. )  
 \_\_\_\_\_ )  
 )  
 NISSAN MOTOR ACCEPTANCE CORPORATION, )  
 )  
 Movant, )  
 )  
 v. )  
 )  
 ALEXANDER SHKOLNIKOV, )  
 )  
 and )  
 )  
 CHARLES R. GOLDSTEIN, TRUSTEE, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

MOTION FOR RELIEF FROM THE STAY

COMES NOW Nissan Motor Acceptance Corporation (hereinafter "Nissan"), by and through counsel, and pursuant to §362(d) of the Bankruptcy Code (11 U.S.C. §362(d)), requests this Court to grant it relief from the stay in this matter as to certain property owned by the debtor, Alexander Shkolnikov, and for grounds therefore states as follows:

1. That on or about July 26, 2007, the debtor, Alexander Shkolnikov, entered into a Maryland Simple Interest Retail Installment Contract with Antwerpen Nissan for the purchase of a 2007 Nissan Altima Automobile, VIN: 1N4BL21E97C232326. Said agreement obliged the debtor to pay for the purchase of such

vehicle through Sixty (60) monthly payments of Five Hundred Fifty-Seven and 64/100 Dollars (\$557.64) beginning on September 9, 2007 and continuing on the ninth (9th) day of each month thereafter. A copy of the agreement is attached hereto as Nissan's Exhibit 1.

2. That for good and valuable consideration Antwerpen Nissan assigned all of its rights, title and interest in the subject contract and security agreement to the movant, Nissan.

3. That at all times relevant hereto, Nissan has had a duly perfected security interest in the aforementioned 2007 Nissan Altima Automobile, VIN: 1N4BL21E97C232326 which is the subject of this motion. A copy of the Notice of Security Interest Filing evidencing Nissan's lien interest is attached hereto as Nissan's Exhibit 2.

4. That on December 21, 2009, the debtor filed the instant proceeding pursuant to the provisions of Chapter 7 of the Bankruptcy Code. Charles R. Goldstein, Esquire was appointed as the Chapter 7 Trustee for this case, and is accordingly named as a respondent to this motion.

5. That as of the date of this motion, the debtor is past due on his account with Nissan. Specifically, the debtor's arrearage totals Two Thousand Two Hundred Eighty and 56/100 Dollars (\$2,280.56), which sum consists of the past due monthly payments of Five Hundred Fifty-Seven and 64/100 Dollars (\$557.64) for February 9, 2010, March 9, 2010, April 9, 2010, and May 9, 2010, plus Nissan's attorney's fees and court costs in connection with this

proceeding in the amount of Six Hundred Dollars (\$600.00). A copy of the payment history for this account is attached hereto as Nissan's Exhibit 3. For all of these reasons, there is good and sufficient cause to grant Nissan relief from the stay pursuant to §362(d)(1) of the Bankruptcy Code (11 U.S.C. §362(d)(1)).

6. That as of the date of this motion, the debtor's total obligation to Nissan pursuant to the subject contract and security agreement is Seventeen Thousand Nine Hundred Fifty-Five and 18/100 Dollars (\$17,955.18). According to the May 2010 N.A.D.A. Official Used Car Guide the 2007 Nissan Altima Automobile, VIN: 1N4BL21E97C232326 has a fair market value of Eighteen Thousand One Hundred Seventy-Five Dollars (\$18,175.00), so that neither the debtor nor the estate has equity in the subject vehicle. A copy of the May 2010 N.A.D.A. Official Used Car Guide evidencing such valuation is attached hereto as Nissan's Exhibit 4. Accordingly, relief from the stay is also appropriate pursuant to the provisions of §362(d)(2) of the Bankruptcy Code (11 U.S.C. §362(d)(2)).

WHEREFORE, the above premises considered, the movant, Nissan Motor Acceptance Corporation, requests this Court to relieve it from the stay imposed by §362 of the Bankruptcy Code (11 U.S.C. §362) with respect to the 2007 Nissan Altima Automobile, VIN: 1N4BL21E97C232326, currently titled in the names of the debtor, Alexander Shkolnikov, as well as for such further and additional relief as the nature of the case may require, and which this

Honorable Court shall deem just and proper.

NISSAN MOTOR ACCEPTANCE CORPORATION  
By Counsel

YOUNG, GOLDMAN & VAN BEEK, P.C.

By: /s/ John P. Van Beek

John P. Van Beek, MSB #03282  
Holly A. Currier, MSB #15714  
510 King Street, Suite 416  
P.O. Box 1946  
Alexandria, VA 22313-1946  
(703) 684-3260

Attorneys for the Movant,  
Nissan Motor Acceptance Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of May, 2010, a true copy of the foregoing was served electronically on Adam M. Freiman, Esq., Sirody, Freiman & Feldman, P.C., 1777 Reisterstown Road, Suite 360 E, Baltimore, MD 21208, and Charles R. Goldstein, Esq., Protiviti Inc., 1 East Pratt Street, Suite 800, Baltimore, MD 21202, and served by first class mail, postage prepaid on Alexander Shkolnikov, 970 Joshua Tree Court, Owings Mills, MD 21117.

/s/ John P. Van Beek  
John P. Van Beek